REMARKS/ARGUMENT

Claims 36-43 stand allowed.

Claims 6, 7, 9-11, 23, 24 and 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment, Claims 6, 9, 10, 23, 26 and 27 have been rewritten in independent including all of the limitations of the base claim and any intervening claims. Accordingly, Claims 6, 9, 10, 23, 26 and 27 stand allowable. Objected to Claims 7, 11, 24, 26 and 28 depend from (respectively), these claims and therefore similarly allowable.

1) Claims 1-3, 5, 8, 12-14, 18-20, 22, 25 and 29-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,694,388 B1 to Schzukin et al. By this amendment, independent Claims 1 and 18 have been amended to differentiate the present invention from Schzukin, as set forth below.

In order that the rejection of Claims 1 and 18, as amended be sustainable, it is fundamental that "each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, "The identical invention must be shown in as complete detail as is contained in the ... claim".

Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 1, as amended, requires and positively recites a method of queue management, said method comprising the steps of: "dividing a buffer memory into a plurality of memory segments, each memory segment comprising a plurality of bytes", "constructing a plurality of queues, wherein **at least one of said queues is assembled from two or more memory segments**", "providing a write pointer and a read pointer for each queue" and "providing a plurality of next segment pointers, each next segment pointer associated with a different memory segment and adapted to indicate the next memory segment in a queue".

Independent Claim 18, as amended, requires and positively recites a queue management system, comprising: "a buffer memory divided into a plurality of memory segments, each memory segment comprising a plurality of bytes", "means for constructing a plurality of queues, wherein **at least one of said queues is assembled from two or more memory segments**", "a write pointer and a read pointer associated with each queue" and "a plurality of next segment pointers, each next segment pointer associated with a different memory segment and adapted to indicate the next memory segment in a queue".

Schzukin, on the other hand, fails to teach or suggest that any of its queues are "assembled from TWO OR MORE memory segments". Accordingly, the 35 U.S.C. 102(e) rejections of Claims 1 and 18 are overcome.

Claims 2, 3, 5, 8, 12-14 stand allowable as depending directly, or indirectly, from allowable Claim 1 and including further limitations not taught or suggested by the references of record. Claims 19, 20, 22, 25 and 29-31 stand allowable as depending directly, or indirectly, from allowable Claim 1 and including further limitations not taught or suggested by the references of record.

2) Claims 15-17 and 32-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schzukin et al. By this amendment, independent Claims 1 and 18, from which Claims 15-17 and 32-35 (respectively) depend, have been amended to differentiate the present invention from Schzukin, as set forth below.

In proceedings before the Patent and Trademark Office, "the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art". In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (citing In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). "The Examiner can satisfy this burden **only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references**", In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992)(citing In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988)(citing In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

As argued previously, Schzukin, fails to teach or suggest that any of its queues are "assembled from TWO OR MORE memory segments". There is no objective teaching in Schzukin or any other prior art cited by the Examiner that would lead one of ordinary skill in the art to modify the teachings of Schzukin such that Schzukin's queues would be "assembled from TWO OR MORE memory segments", as required by Claims 1 and 18, claims upon which Claims 15-17 and 32-35 depend. Accordingly, the 35 U.S.C. 103(a) rejection of Claims 15-17 and 32-35 is overcome.

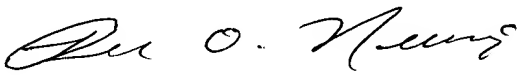
3) Claims 4 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schzukin et al in view of Jones (US 6,590,901 B1). By this amendment, independent Claims 1 and 18, from which Claims 4 and 21 (respectively) depend, have been amended to differentiate the present invention from Schzukin, as set forth below.

In proceedings before the Patent and Trademark Office, "the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art". In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (citing In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). "The Examiner can satisfy this burden **only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references**", In re Fritch, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992)(citing In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988)(citing In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)).

As argued previously, Schzukin, fails to teach or suggest that any of its queues are "assembled from TWO OR MORE memory segments". There is no objective teaching in Schzukin or any other prior art cited by the Examiner that would lead one of ordinary skill in the art to modify the teachings of Schzukin such that Schzukin's queues would be "assembled from TWO OR MORE memory segments", as required by Claims 1 and 18, claims upon which Claims 4 and 21 depend. Even if, arguendo, Jones teaches to provide a "flush queue" command to a specified queue for the purpose of responding to serious unexpected events, such as failure of a network interface (column 15, lines 37-43), Jones fails to overcome the shortcomings of the Schzukin reference. Accordingly, the 35 U.S.C. 103(a) rejection of Claims 4 and 21 is overcome.

Claims 36-43 stand allowed. Objected to Claims 6, 7, 9-11, 23, 24 and 26-28 have been amended to be allowable. Claims 1 and 18 have been amended to overcome the cited references. Accordingly, Claims 1-5, 8, 12-22, 25 and 29-35 stand allowable. Applicants respectfully request allowance of the application as the earliest possible date.

Respectfully submitted,



Ronald O. Neerings
Reg. No. 34,227
Attorney for Applicants

TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
Dallas, Texas 75265
Phone: 972/917-5299
Fax: 972/917-4418